

make to achieve bipartisan consensus on this issue. As Senator CHAFEE stated, this is a snapshot of where we currently are in negotiations.

Let me be clear: this draft includes changes that I found to be constructive and reasonable—without compromising the underlying principles necessary for real Superfund reform. I remain committed to passing a strong bill that reduces litigation and accelerates clean up. As Senator CHAFEE indicated, the committee intends to hold a hearing the week we return from the Easter recess. At that point in time, interested parties will have the opportunity to testify on a final product that will be used for markup. Additional agreements and disagreements will be worked out in the normal committee process through amendment.

Before I describe some of the details of this proposal, I would like to say a few words what this draft is and what it is not. During the last few months our staffs have met with hundreds of individuals who are interested in the future of this program, and who have provided us with specific comments about S. 1285. We have carefully weighted these comments, and this staff discussion draft, in part, is intended to respond to some of those concerns.

This draft is also intended to address some of the concerns that have been raised by Governors, the Clinton administration, Senate Democrats, as well as other interested parties. While this language represents a good faith effort address some of these concerns, these changes have not been agreed to by any other parties, and we are continuing to negotiate and address concerns that have been raised. Indeed, there are areas of this bill, including federal facilities issues, amendments to the Resource Conservation and Recovery Act and natural resource damages, that we have not yet had the opportunity to fully address in these negotiations.

Nonetheless, as Senator CHAFEE has pointed out, we wanted to provide a window into our ongoing negotiations, and allow interested parties to have the opportunity to comment on these proposed changes. And again, it is important for me to stress that a final product will be forthcoming. Where we are in agreement, we will agree. Where we are in disagreement, we will agree to disagree, and move on with the process.

One area I do want to spend some time on this evening is the issue of liability reform. As many of my colleagues may know, when we released our initial liability reform proposal in September, there were some members on our side of the aisle who felt that we had limited our horizons too much when we proposed a 50 percent tax credit for pre-1980 disposal activities. Although I was convinced, and continue to believe that our proposal had a great deal of merit, we have nonetheless decided to modify this section to address these concerns.

The liability proposal in the staff discussion draft, I believe, will provide significant liability reform, and will vastly diminish the scope and nature of ongoing litigation. In particular, our proposal would have the effect of eliminating liability for parties at multiparty disposal sites—those sites where there was an off-site generator or transporter—for disposal activities that occurred prior to December 11, 1980. These sites involve some of the most contentious and expensive litigation in the Superfund Program and have only helped to slow down the pace of cleanups.

This litigation has not helped to address this important environmental problem, but instead, has hindered the ability to protect human health and the environment in the shortest time possible. By providing orphan share contribution for these costs, I believe that we will not only significantly reduce the contentious nature of this litigation, but our reforms will allow these sites to be cleaned up faster.

Our liability proposal provides that de minimis parties, such as small mom and pop businesses, will be eliminated from the liability net if they were responsible for disposing of less than 1 percent of the volume of materials at a site prior to December 11, 1980, or if they disposed less than 200 pounds or 110 gallons of materials at an NPL site. This change will significantly reduce the number of parties at these sites who are needlessly dragged into the quagmire of litigation. Our legislation will not only eliminate their liability, but it will also provide for an up-front determination that they are not subject to this damaging and costly litigation process.

In addition, this staff discussion draft also provides a 10 percent cap on the total amount of liability for those municipalities whose potential liability resulted only from generating or transporting municipal solid waste or sewage sludge. This change, combined with the orphan share contribution for pre-1980 disposal at multiparty sites, will provide significant relief for cities and towns caught in the Superfund liability net.

I would be remiss if I did not discuss changes that we have proposed to make in the remedy selection portion of S. 1285. In the legislation we introduced in September, we proposed eliminating the requirements under current law that mandate the use of applicable, relevant, and appropriate State and Federal environmental cleanup laws. Both Senator CHAFEE and I received a significant number of comments from States about this provision. After a good deal of reflection, we decided to provide that applicable State and Federal cleanup laws can be applied to these hazardous waste cleanups.

There are a number of other issues that have been raised about the remedy selection portion of this legislation, including provisions related to groundwater cleanup, that we have not modi-

fied at this time. However, I do want to note that these issues are under discussion, and this draft does not represent our final proposal on this section.

Mr. President, Senator CHAFEE and I are here on the floor today to declare that Superfund reform is alive and well. As Senator CHAFEE has mentioned, he and I are here today to continue the process towards making sure that significant Superfund reform legislation will reach the floor this Spring. While our colleagues have not heard much from us recently, this does not mean we have not been working hard—we have. This is not to say that we still don't have a ways to go—we do.

I believe that the discussions we have been involved in over the last few weeks have been fruitful and have been conducted in good faith. Our colleagues, the President, and all parties involved in this program have frequently stated that they want comprehensive Superfund reform. Frankly, given its inadequacies, we simply can not afford to push Superfund reform off for another year. If our colleagues, including those on both sides of the aisle—as well as those in the White House—can keep the rhetoric down, we believe that we can pass a comprehensive Superfund reauthorization bill this year that will ensure faster, safer and cheaper cleanups.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that I be able to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE TAIWAN RESOLUTION

Mrs. FEINSTEIN. Mr. President, I want to thank the Senator from Wyoming, Senator THOMAS, for his leadership on the issue of the resolution which was just passed by a vote of 97 to 0 in this body. I thank him for his cooperative approach to finding a text that all parties could agree on. I also express my thanks and admiration to the Senator from Louisiana, Senator JOHNSTON, and the Senator from Georgia, Senator NUNN, for their understanding of this issue and their efforts to craft a responsible resolution.

I would also like to thank Senators MURKOWSKI, HELMS, SIMON, and PELL, and the distinguished majority leader, and their staffs, for working with all of us in a cooperative spirit on this resolution.

Mr. President, in the last 2 weeks we have watched as China has tested four missiles in close proximity to Taiwan, and the People's Liberation Army has conducted live-ammunition military exercises in the Taiwan Strait.

These tests and exercises are, obviously, aimed at showing in a militant fashion China's depth of feeling about the Taiwan issue and, many believe, to influence the Taiwanese election which will take place in a 2 short days.

It is unfortunate, I believe, that China has chosen to express its displeasure through the use of military threats. It is wrong, and the United States is right to deplore it. The United States has for over 24 years adhered to a One China policy that is based, in part, on the understanding that China will not seek to resolve its differences with Taiwan through other than peaceful means.

Our One China policy, of course, is also based on an understanding that Taiwan will not make any efforts to resolve its differences with China unilaterally or through any effort or move toward independence.

Clearly, a number of Taiwan's actions over the past several months—including President Lee Teng-hui's visit to the United States, Taiwanese military exercises concurrent with that visit, and an ongoing campaign for a seat at the United Nations—have called into question whether Taiwan is sincere in its statements that it opposes independence.

This resolution, then, sends two messages. It says to the Chinese that their use of military threats against Taiwan is unacceptable and represents a potential threat to United States interests in the western Pacific. President Clinton has deployed the USS Independence and the USS Nimitz to the region to monitor events. China must understand that the use of force against Taiwan would have grave consequences.

In addition, the resolution says to Taiwan that it must avoid provocative actions that cast doubt on its commitment not to pursue independence and, instead, to work for eventual peaceful reunification. Taiwan's security is important to the United States, but the United States will not sanction actions by Taiwan that raise tensions unnecessarily.

The One China policy is the essential element of the United States-China-Taiwan relationship. This policy has been the acknowledged framework that has served all three parties well for some two decades: The United States and China have been able to conduct normal relations befitting two great powers; China has entered into a period of dynamic economic growth; the United States and Taiwan have developed extensive economic and cultural ties; Taiwan has become the single largest investor in China, with over \$20 billion in investments on the mainland; and, Taiwan has prospered and moved toward a democracy of which its people can be rightfully proud.

With all of these benefits flowing from the One China policy, and the fact that in a poll a week ago in Taiwan only 8 percent of the people favored independence and the overwhelming majority preferred the status quo, no one should take any precipitous action which would threaten to undermine the One China policy. In the aftermath of the Taiwan election, all three parties must move to restore balance to this relationship by reaffirming the One China policy.

China's concern, as relayed to me from its highest leadership, has been that Taiwan will not say that it endorses a One China policy and speaks with two tongues.

Mr. President, I would like to introduce into the RECORD a directive from Premier Lien Chan, the number two official of the Republic of China. His directive was made in writing on March 5. It was made public by Patrick Tyler, the Beijing reporter for the New York Times. I called the Taiwan office and received a copy of it. It is on two pages.

The part that I would like to quote is as follows:

I reiterate that the Republic of China government is adamant in its pursuit of national reunification and strong opposition to Taiwan independence.

When I called the Chinese Ambassador and made clear that this had been presented in writing, he made the point that it is presented in English but that it has appeared nowhere in Taiwan in Chinese.

I ask unanimous consent to have the directive printed in the RECORD, if I may, at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A DIRECTIVE FROM PREMIER LIEN CHAN, THE EXECUTIVE YUAN, REPUBLIC OF CHINA, MARCH 5, 1996

It is the responsibility of the government of the Republic of China to preserve peace and stability in and around the Taiwan Straits in order to ensure public welfare and the security of the nation. Since July 1995, the Chinese communists have conducted several military exercises. Thanks to the unity of our people and proper measures taken by our government, the Taiwan, Penghu, Kinmen, and Yatsu area has remained stable.

Early this morning, the mainland authorities announced plans to launch missiles in waters to the northwest and southwest of Taiwan between March 8 and March 15, 1996. This action clearly is aimed at influencing the ROC's ninth presidential and vice presidential election, destroying the peace in the Taiwan Straits, and endangering regional peace and stability. On behalf of the ROC government, I wish to express the strongest protest, and call upon the mainland authorities to cancel this provocation. We will hold Peking responsible for any unfortunate consequences which arise from this action.

Facing this situation, the Executive Yuan has directed the concerned agencies to make the following preparation:

(1) The ROC armed forces have been directed by the government to maintain a state of alert, and are prepared to meet all possible actions of the Peking regime. They will continue to monitor military activity on the mainland closely provide instant reports, and take all necessary measures immediately, as the need arises.

(2) We have already adopted necessary measures to ensure the safety of our fishermen and normal air and sea transportation in the vicinity.

(3) We will continue to maintain law and order, stabilize the financial sector, and maintain normal economic activities.

(4) The ROC's ninth presidential and vice presidential election, a historic event to be held on March 23rd, shall be carried out as planned.

I reiterate that the ROC government is adamant in its pursuit of national reunifica-

tion and strong opposition to Taiwan independence. This election is being carried out in accordance with the Constitution of the Republic of China, and is in line with the will of the ROC people, and with world trends.

The outcome of this election will not affect our position on cross-Straits relations; nor will it alter our government's steadfast pursuit of national reunification.

It has also been, and still is, the long-standing policy of the ROC government to strengthen cross-Straits exchange and negotiation while promoting positive interaction. The difference in political systems and ways of life across the Taiwan Straits is the main obstacle to reunification. However, this is not an issue that can be resolved by military means. An atmosphere that is conducive to reunification can be created only by relying on patience, promoting understanding through step-by-step exchange, dissolving hostility, and pursuing a way of life that is most beneficial to the Chinese on both sides of the Straits. Popular will has indicated time and again that it is the common aspiration of the people on both sides to see the end of cross-Straits enmity and promote mutual benefits and prosperity on the basis of peace.

The government of the Republic of China has already decided that, in the future, it will foster consensus on a concrete and feasible proposal that will make a historic contribution to the development of cross-Straits peace and to the security and prosperity of the Asia-Pacific region. The mainland authorities should not unilaterally distort our position and repeatedly take actions that damage the bonds between the people on either side of the Taiwan Straits. This only hampers cross-Straits exchanges and progress toward reunification.

I hope that the entire body of ROC citizens will remain calm and rational during this period, and continue to trust and support their government. The government will take appropriate and effective measures, and handle the situation with caution and in a manner that ensures full protection to the welfare of the people.

Mrs. FEINSTEIN. Mr. President, I think it is very important that this directive, which clearly states that it is the policy of the Taiwanese government to pursue national reunification and strongly oppose independence, be known by the world.

Now there will be a window of opportunity following Saturday's election for resumption of the Cross-Straits Initiative that was derailed last summer after Lee Teng-hui's visit. This dialogue, conducted by China's Association for Relations Across the Taiwan Straits and Taiwan's Straits Exchange Foundation, offers a unique opportunity to begin to meet and discuss the major issues concerning reunification.

China has for some time offered Taiwan direct air service. As you know, today the plane leaves Taiwan, it appears to land at Macao, it changes its flight number, and it goes on to China. This is not necessary. China is prepared to once again offer, as its Vice Foreign Minister told 10 U.S. Senators who were present at a meeting last week, direct sea service and direct postal service.

I ardently urge both parties to sit down at the table and begin to discuss issues around which there is a common

interest. One has to be a One China policy. The second has to be peaceful reunification. The third has to be steps taken to achieve both of the foregoing.

I think the peace, security, and stability of Asia, and perhaps the world, are at stake in these discussions.

I earnestly and sincerely implore the parties, both the People's Republic of China and the Republic of China, to sit down at the table, to end these military exercises, and to resolve a peaceful reunification for the future.

I thank the Chair for your indulgence.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

#### THE NOMINATION OF COMDR. ROBERT STUMPF

Mr. COATS. Mr. President, I would like to address the issue concerning the procedures used by the Senate Armed Services Committee in evaluating nominations and, in particular, the nomination of Cmdr. Robert E. Stumpf.

The Senate Armed Services Committee has received considerable public criticism since the Secretary of the Navy removed Commander Stumpf from the promotion list.

The committee, and some of its members, have been the subject of numerous articles in the media relating to both substantive and procedural issues concerning this matter. Much of the material that has appeared in the media reports has been inaccurate and incomplete. Some of the material has been written by Commander Stumpf's lawyer. Others quote either Commander Stumpf, his attorney, or both.

To this point, members of the Armed Services Committee have not responded publicly on the substance of the information provided to the committee by the Navy, nor on the deliberations conducted within the executive session. This is in accordance with established committee rules and procedures, including procedures designed to protect the privacy and reputation of nominees, with appropriate regard for the rights of Commander Stumpf.

Last Thursday, Senator THURMOND, as the chairman of the Armed Services Committee, on behalf of the committee, placed a statement in the RECORD which began by reciting the chronology of events concerning the nomination of Commander Stumpf. I do not think there is any doubt or debate about the sequence of events. But I want to review those events for the RECORD.

On March 11, 1994, the President submitted various nominations for promotion in the Navy to the grade of captain (O-6), including a list containing the nomination of Commander Stumpf. On the same date, the Assistant Secretary of Defense, in the letter required by the committee on all Navy and Marine Corps nominees, advised the committee that none of the officers had been identified as potentially implicated on matters related to Tailhook.

After careful review, the list was reported favorably to the Senate on May 19, 1994, and all nominations on the list were confirmed by the Senate on May 24, 1994.

Subsequent to the Senate's confirmation of this promotion list, but prior to the appointment by the President of Commander Stumpf to the grade of captain, the committee was advised by the Department of Defense that the March 11, 1994, letter had been in error because the Navy had failed to inform the Office of the Secretary of Defense that Commander Stumpf had been identified as potentially implicated in Tailhook.

As a result, on June 30, 1994, the Armed Services Committee requested that the Navy withhold action on the promotion of Commander Stumpf until the committee had an opportunity to review the information that had not been made available to the Senate during its confirmation proceedings. It was entirely appropriate that the committee request the withholding of Commander Stumpf's promotion once it had been notified of the Navy's failure to report the potential implication of Commander Stumpf in Tailhook-related activities.

It is also worth noting that the Armed Services Committee has no capacity to investigate nominations on its own. The committee must rely solely on the information provided by the Department of Defense, which, in this case, was incomplete.

On April 4, 1995, the Navy provided the committee with the report of investigation and related information concerning Commander Stumpf. And I would note this is not all the information related to Commander Stumpf for his case. The committee is still receiving documents relating to that particular case. And subsequently, the Navy provided additional information in response to requests from the committee. And those requests are ongoing.

On October 25, 1995, the committee met in closed session, consistent with its longstanding practice, to consider a number of nominations and to further consider the matter involving Commander Stumpf. After due consideration, the committee directed the chairman and ranking member to advise the Secretary of the Navy that, and I quote:

Had the information regarding Commander Stumpf's activities surrounding Tailhook '91 been available to the committee, as required, at the time of the nomination, the committee would not have recommended that the Senate confirm his nomination to the grade of captain.

The committee also directed that the letter advise the Secretary that, and again I quote from the letter:

The committee recognizes that, in light of the Senate having earlier given its advice and consent to Commander Stumpf's nomination, the decision to promote him rests solely with the executive branch.

A draft letter was prepared, reviewed by the Senate legal counsel, made

available for review by all members of the committee, and was transmitted to the Secretary on November 13, 1995. On December 22, 1995, the Secretary of the Navy removed Commander Stumpf's name from the promotion list.

The committee met next on March 12, 1996, to review the committee's procedures for considering Navy and Marine Corps nominations in the aftermath of Tailhook. At that meeting, the committee again reviewed the proceedings concerning Commander Stumpf.

I do not think many people outside the committee fully understand the committee's procedures in handling controversial nominations. Just to make it clear, when the committee is notified by the Department of Defense that there is potentially adverse information concerning a nominee, that nomination moves to a separate, more deliberate track than those nominations about which there is no adverse information. The committee staff is required to research the information provided by the Department of Defense and to brief the members in an executive or closed session. Attendance at these executive sessions is limited to Members of the Senate and committee counsel. These restrictions are designed to minimize the number of people who may learn of information which may be very personal, sometimes inflammatory, and may involve allegations which have been found to not be substantiated.

Following a procedure developed late in the 103d Congress, the chairman and ranking member of the Personnel Subcommittee are charged with reviewing those cases prior to an executive session. In the case of Commander Stumpf, the committee followed those procedures precisely.

The committee met in executive session on October 25, 1995, to discuss a series of nominations, as I indicated. Seven Tailhook-related nominations were considered that day. For the record, those members present voted to favorably recommend two of the seven and to return five of the nominations to the executive branch at the end of the first session. The one remaining Tailhook-related individual discussed during that meeting was Commander Stumpf.

On December 22, 1995, as I earlier indicated, Secretary Dalton removed Commander Stumpf from the promotion list. Following that action by the Secretary of the Navy, a number of public articles, some written by Commander Stumpf's defense team, questioned the committee's integrity, its processes and its judgment. These allegations have been characterized by misinformation, distortions of the record, and misstatement of the facts.

Numerous articles and sources have questioned the committee's procedures related to Tailhook nominations, alleging that the prospect of confirmation of service members nominated for promotion but involved in Tailhook are "slim."